

### **REMARKS/ARGUMENTS**

Applicants have reviewed and analyzed the Office Action dated June 13, 2007, and provide the following remarks and comments in response thereto. Applicants note that the undersigned is new counsel of record pursuant to the Power of Attorney filed August 30, 2007. Claims 1-24 have been amended. Claims 25-27 have been added. No new matter has been added. Claims 1-27 are pending upon entry of the present amendment.

#### ***Claim Rejections Under 35 U.S.C. §103***

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wharton *et al.* (U.S. Patent No. 5,831,664, “Wharton”) in view of Terkado *et al.* (U.S. Patent No. 6,311,329, “Terkado”) and Stautner *et al.* (U.S. Patent No. 6,127,677, “Stautner”). This rejection is respectfully traversed.

Amended independent claim 1 recites, *inter alia*, a plurality of hand-held devices in an entertainment system, each of the hand-held devices including an indicator to indicate an availability of an interactive function in a program corresponding to the EPG without providing an indication of the availability of the interactive function on a display configured to display the program corresponding to the EPG, the display being separate from the plurality of hand-held devices. None of the cited references, either separately or in combination, teaches or suggests such features. The Action asserts, at p. 4, that Stautner teaches an EPG that includes indicators to indicate availability of interactive functions in programs corresponding to the EPG. Even assuming, without conceding, the validity of such an assertion, nowhere does Stautner teach or suggest including an indicator in each of a plurality of hand-held devices for indicating the availability of an interactive function *without providing an indication of the availability of the interactive function on a display separate from the plurality of hand-held devices*. The Action concedes that both Wharton and Terkado fail to disclose an indicator to indicate availability of an interactive function in a program corresponding to an EPG. Accordingly, claim 1 is allowable for at least these reasons.

Amended independent claims 9 and 17 recite features similar to those discussed above with respect to claim 1 and are thus allowable for at least the same reasons as claim 1.

Claims 2-8, 10-16 and 18-24 are dependent on claims 1, 9 and 17, respectively, and are thus allowable for at least the same reasons as their base independent claims.

### ***New Claims***

While Applicants note that claims 25-27 have not been rejected, Applicants provide the following remarks in the interest of expediting prosecution.

Claims 25-27 are dependent on claims 9 and 17, respectively, and are thus allowable for at least the same reasons as their base independent claim and further in view of the novel and non-obvious features recited therein. For example, claim 26 recites “whether an indication of the availability of the interactive function is provided to the display separate from the plurality of hand-held devices is configurable through the first hand-held device.” Claim 27 recites “wherein the information corresponding to interactions with an electronic programming guide (EPG) includes user comments.” Nowhere do any of the cited references, separately or in combination, teach or suggest such features. Accordingly, claims 25-27 are allowable for these additional reasons.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By: /Chunhsi Andy Mu/  
Chunhsi Andy Mu  
Registration No. 58,216

1100 13th Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000